

Exhibit A to City Council Ordinance Regarding

Proposed Amendments to Chula Vista Municipal Code Chapter 19.07

Note:

The following reflects the final version of the amendments to CVMC Chapter 19.07 as placed on first reading by the City Council through its actions at the public hearing on April 12, 2007. The approved additional revisions are reflected in underlined italic text.

Additional proposed revisions in follow up to direction from Council at the April 24, 2007 meeting are also included and reflected in **UNDERLINED BOLD CAPITAL ITALICS** text (see page 2).

Chapter 19.07 SPECIFIC PLANS

Sections:

19.07.010 Statutory authority – Scope of.

19.07.011 Requirements and content.

19.07.012 Findings required for recommendation and adoption.

19.07.020 Administration of. Repealed.

19.07.030 Zoning implementation thereof.

19.07.035 *Repealed.*

19.07.010 Statutory authority – Scope of.

Sections 65450 through 65507 of the Government Code of the state relating to the authority for the scope of specific plans, and the procedures for the adoption of specific plans, are hereby adopted and incorporated herein by reference as though set forth in full. The fee for processing specific plan amendments and specific plan development proposals or modifications shall be the required fee(s). (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1854 § 2, 1979; Ord. 1825 § 2, 1978).

19.07.011 Requirements and content.

A. Specific Plans shall consist of a plan diagram or diagrams, an accompanying text, and other attachments and exhibits as may be necessary, to specify all of the following in detail to the satisfaction of the Director of Planning and Building and/or their designee:

1. A statement and discussion of the relationship and consistency of the Specific Plan to the City's General Plan.

2. The type, distribution, location, amount, and intensity of all land uses within the area covered by the Plan.
3. The approximate total population anticipated within the Plan's area.
4. A depiction of any and all subareas or other districts within which the Plan's provisions will be applied.
5. The standards, regulations, criteria and guidelines by which all development shall proceed within the Plan and any of its subareas or districts.
6. The proposed distribution, location, extent and intensity of public facilities and services within the area covered by the Plan, and needed to support the land uses included in the Plan, including but not limited to transportation, sewer, drainage, water, parks, etc.
7. A program indicating how and when the facilities and services necessary to support the developing land uses will be installed or financed, and including the following:
 - a. A list of the facilities and services.
 - b. An inventory of present and future requirements for each facility and service based upon the City's Growth Management Threshold Standards.
 - c. A phasing schedule that addresses the timing for installation or provisions for required facilities and services, ***IN RELATION TO IMPACTS IDENTIFIED FROM PROPOSED INCREMENTS OF NEW DEVELOPMENT.***
 - d. A financing program identifying the methods for funding those facilities and services consistent with the phasing schedule, *and insuring that the funds are spent on said facilities pursuant to the phasing schedule.*
8. Provisions and procedures for the comprehensive implementation and administration of the Plan.
 - a. ***IF THE SPECIFIC PLAN CONTAINS ZONING PROPOSALS SUBJECT TO THE PROVISIONS OF CVMC 19.80.070.A, THEN THE REQUIRED ZONING PHASING SCHEDULE SHALL BE INCLUDED AS PART OF THE PLAN'S IMPLEMENTATION AND ADMINISTRATIVE PROCEDURES.***

19.07.012 Findings required for recommendation and adoption.

A. The planning commission, after a public hearing, may recommend approval of a specific plan provided that it finds that the facts submitted with the plan and presented at the hearing establish that:

1. The specific plan is in conformance with the City's General Plan.
2. The specific plan was prepared in accordance with the City's municipal code and the California Government Code provisions governing specific plans.
3. That the associated demands on public facilities and services due to development allowed by the specific plan are identified prior to the development, and will be mitigated prior to, or concurrent with the development, and in conformance with the City's Growth Management Ordinance CVMC 19.09.
4. That a financing program has been prepared which identifies the methods for funding for those facilities and services consistent with the phasing schedule, and insures that the funds are spent on said facilities pursuant to the phasing schedule.

B. The planning commission may recommend disapproval of the specific plan, may recommend approval of said plan as submitted, or may recommend approval of said plan subject to specified modifications.

C. The city council, based upon receipt of the planning commission recommendation on the specific plan shall conduct a public hearing thereon. The city council may approve, deny or modify the plan. Any action of approval, or approval subject to modifications, by the city council shall also be subject to the following findings:

1. The specific plan is in conformance with the City's General Plan.
2. The specific plan was prepared in accordance with the City's municipal code and the California Government Code provisions governing specific plans.
3. That the associated demands on public facilities and services due to development allowed by the specific plan are identified prior to the development, and will be mitigated prior to, or concurrent with the development, and in conformance with the City's Growth Management Ordinance CVMC 19.09.

4. That a financing program has been prepared which identifies the methods for funding for those facilities and services consistent with the phasing schedule, and insures that the funds are spent on said facilities pursuant to the phasing schedule.

~~19.07.020 Administration of:~~

~~Sections 65550 through 65553 of the Government Code of the state relating to the administration of specific plans are hereby adopted and incorporated herein by reference as though set forth in full. (Ord. 1854 § 2, 1979; Ord. 1825 § 2, 1978).~~

19.07.030 Zoning implementation thereof.

A. Specific plans may be implemented through the adoption of standard zoning ordinances, the planned community zone, as provided in this title, or by plan effectuation standards incorporated within the text of an individual specific plan. The method of implementing an individual specific plan shall be established and expressed by its adopting resolution or ordinance.

If the specific plan is to be implemented through the use of standard zones, any open space uses or other public uses so designated on the specific plan may be allowed to be developed in a manner logically consistent with and in conformity to adjacent and contiguous land uses as shown on the specific plan; provided, however, the developer must show that such development, which must be residential, thus allowed will not increase the overall density of the total area incorporated into the specific plan. Further, in no case shall any designated open space land, or land designated for other public use in said specific plan, be developed for any use other than residential. Should all adjacent and contiguous land uses be designated for uses other than residential, the underlying land use on such open space may be requested for development at no greater density than that allowed in the R-E zone.

B. If any territory subject to an adopted specific plan is zoned P-C, the involved property owners may register their concurrence with terms and provisions of the adopted specific plan, and may proceed with development in accordance therewith; provided, that the required fees are paid, and the procedural and substantive requirements of the P-C zone are met. The said registration of concurrence shall, by operation of law, establish the adopted specific plan as the general development plan of the involved P-C zone. If the property owners do not register their concurrence with the terms and provisions of the adopted specific plan, they may proceed with the development of their property through the use of standard zoning, as provided hereinabove.

C. When a specific plan is adopted and existing zoning is thereby inconsistent with the specific plan and the developer desires to develop the property in accordance with the existing zoning, the developer must first submit a proposed amendment to the specific plan. All such amendments shall be subject to public hearings by the planning commission and the city council. If the amendment is

adopted, the developer can proceed with the normal processing of the development proposal.

Notwithstanding the above provisions, those projects which have been substantially processed consistent with existing zoning and which are affected by a specific plan may proceed; provided, that the zoning administrator issues in each case a permit to complete processing based upon the findings that the effectiveness of the specific plan and the order and amenity of the community would not be substantially impaired by the issuance of the permit.

Projects shall be deemed to be substantially processed where the property owners have procured approved tentative subdivision or parcel maps, building permits, conditional use permits, or design review committee approvals, in furtherance of the proposed projects. The zoning administrator, furthermore, may deem that projects have been substantially processed where the involved property owners have submitted tentative subdivision or parcel maps or applications for design review, but are awaiting consideration by the appropriate city agency or official.

Appeals from the actions of the zoning administrator may be filed, within 10 days after the dates of said actions, with the planning commission. Further appeals to the city council may be submitted pursuant to the provisions of CVMC [19.14.110](#) and [19.14.130](#). (Ord. 2327 § 2, 1989; Ord. 2076 § 1, 1984; Ord. 1854 § 2, 1979; Ord. 1825 § 2, 1978).

19.07.035 Supersedence of zoning designations.

*Repealed by Ord. 2532 § 10, 1992. (Res. 11903, 1985).**

* Code reviser's note: Ord. 2532 renumbered the provisions of this section to be Chs. 19.81 to 19.87 CVMC.

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